IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.19861 of 2006

Between:

Bojja Bhagwan Rao.

..... PETITIONER

AND

1.The Registrar (Administration),
High Court of Andhra Pradesh,
Hyderabad, and another.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.19861 of 2006

Order: ***(Per Hon'ble Sri Justice Bilal Nazki)***

Petitioner has filed this Writ Petition seeking a relief from this Court that the respondents be directed

to alter the punishment of dismissal given to him as a result of an enquiry for misconduct, into punishment of compulsory retirement.

The charges framed against the petitioner were very serious in nature, and during the enquiry, the petitioner has almost admitted those charges. After perusal of the enquiry report, the second respondent-competent authority passed an order of dismissal. On appeal, it was confirmed by the first respondent-appellate authority. Even in this Writ Petition, the petitioner has not challenged the findings of the enquiry. He only wants this Court to direct alteration of punishment from dismissal to compulsory retirement on the ground that the punishment is disproportionate.

We do not agree with such contention, as the charges are very serious in nature. One of the charge which is proved against the petitioner is that he retained Rs.10,000/-, which was case property in C.C.No.2 of 1997, and did not remit the same.
In his explanation, he stated that he kept the money, as he was not well. Even thereafter, he did not remit this money in lumpsum, but it was deducted from his salary. The second charge relates to tampering of

the record and detaining the case property in C.C.No.268 of 1996 registered under Sections 457 and 380 IPC. In the said case, certain equipments *viz*., camera, transistor and walkman were seized. Petitioner changed the offence into Section 324 IPC, and detained the property. If an offence is registered under Section 324 IPC, nobody can suspect that any property has been seized whereas for the offence under Section 380 IPC, it is always seen whether any property had been seized or not.

For these reasons, we do not find any merit in this Writ Petition, which is, accordingly, dismissed. No costs.

(Bilal Nazki, J)

12th October, 2006

(Nooty Ramamohana Rao, J)

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